

RESOLUTION NUMBER 2009-16
A RESOLUTION OF THE BOARD OF SUPERVISORS OF
COCONINO COUNTY, ARIZONA, TO ESTABLISH A FEE FOR
THE COST OF PROCESSING PHOTO RADAR CITATIONS IN
THE COCONINO COUNTY JUSTICE COURTS
(AMENDING RESOLUTION 2009-01)

WHEREAS, Coconino County funds, staffs, and operates four limited jurisdiction, non-record courts, to wit: the Justice of the Peace Courts (hereinafter "Justice Courts"), which are located in four separate, Board-adopted precincts in Flagstaff, Fredonia, Page, and Williams; and

WHEREAS, a county is authorized, pursuant to A.R.S. § 11-251.08, to establish fees for services provided by justice courts, the superior court, and the clerk of the superior court located within the county; and

WHEREAS, the Coconino County Board of Supervisors encourages county departments, including the justice courts, the superior court, and the clerk of the superior court, to pursue alternative revenue in lieu of increasing taxation; and

WHEREAS, the Arizona Legislature enacted Laws 2008, (2nd Reg. Sess.) Chapter 286 (Chapter 286), which establishes a state photo enforcement system consisting of cameras placed throughout the state of Arizona to enforce laws regulating vehicle traffic and speed; and

WHEREAS, Chapter 286 provides that the Department of Public Safety (DPS), or its duly authorized designee, will issue notices of violation (specifically, for new civil violations A.R.S. §§ 28-645A1A, 28-645A1B, 28-645A3A, 28-645A3B, 28-645A3C, 28-701A, 28-702.01A, 28-701.01C and 28-702.04B) detected by the state photo enforcement system and DPS will process responses to the notice of violation; and

WHEREAS, Chapter 286 provides that in the event an alleged violator fails to respond to the notice of violation or contests responsibility, DPS will serve and file the photo radar citations in the justice court having jurisdiction over the alleged violation; and

WHEREAS, photo radar citations impose unique burdens on the courts, such as: (1) tracking and reporting daily to the issuing agency the status of service of process on alleged violators; (2) amending arraignment dates based upon the service dates; (3) responding to the needs of citizens who need to speak to court staff by telephone or in person at the Justice Court offices; and (4) requiring staff, such as judges, court clerks, and support staff to process the heavy volume of citations that a photo detection system typically produces; and

WHEREAS, the Justice Courts have completed a cost analysis and a \$20.00 fee is a recovery of the cost for court resources needed to process each photo radar case; and

WHEREAS, Resolution 2009-01 failed to identify the specific traffic violations which would incur the \$20.00 fee; likewise, Resolution 2009-01 failed to identify at which point in case processing the \$20.00 would be imposed; and

WHEREAS, following a public hearing noticed and conducted in the manner specified by A.R.S. § 11-251.08, the Board of Supervisors has determined that it is appropriate to establish photo radar processing fees which may be imposed by justice courts to offset the costs associated with processing these cases.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Coconino County Justice Courts, as divided into the Flagstaff, Fredonia, Page, and Williams Precincts, are authorized to impose and collect the following filing fees:

1. Photo radar processing fee - the Justice Courts shall collect a \$20.00 photo radar processing fee for each new civil violation cited above where there is a finding by the Court of guilt or responsible. The fee shall apply only once to each case where there is a finding of guilt or responsible whether such case contains one or more of the new civil violations cited above. The photo radar processing fee shall not be applied to any violation that is dismissed by the Court or through the motion of any prosecuting agency.

If a Justice of the Peace or a duly-appointed Judge Pro Tempore determines that a person appearing before the Court is indigent, the Justice of the Peace or Judge Pro Tempore may reduce the amount of the photo radar processing fee based upon the person's ability to pay.

Fees collected pursuant to this resolution will be collected and allocated to the County Treasurer for deposit into the county general fund.

If any provision of this Resolution or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this Resolution, which can be given meaning without the invalid provision.

This Resolution shall take effect 31 days from the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors of Coconino County, Arizona, this 5th day of MAY, 2009

AYES: 5
NOES: 0
ABSENT: 0



Matt Ryan, Chairman
Coconino County Board of Supervisors

ATTEST:

Wang Effie
Clerk of the Board

APPROVED AS TO FORM:

Jeau Lichon
Deputy County Attorney

